

REMARKS

The present application has been amended in response to the Examiner's Office Action to place the application in condition for allowance. Applicant, by the amendments presented above, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance.

In the Office Action, rejected claims 4-7 under 35 U.S.C. § 112 as being indefinite. Each of the claims have been amended to overcome the Examiner's rejections and it is therefore requested that the rejection based on 35 U.S.C. § 112 be withdrawn.

The Examiner also rejected the claims citing several prior art references, namely, Japanese Patent Publication No. 2005-205890 (Masuda) and United States Patent Nos. 3,604,037 (Varner), 2,724,493 (Jones), 4,633,981 (Farr) and 3,550,782 (Veloz). Applicant has amended independent claim 1 to further distinguish the present invention from that which is disclosed in the prior art of record. As such, it is respectfully submitted that claim 1 and those claims which depend therefrom are allowable.

Claim 1 now specifically claims a rotary belt sterilizer which includes a drive roller which is arranged to contact a sterilized rotary belt when the sterilized rotary belt is rotating and therefore rotate in synchronization with the sterilized rotary belt, and an applicator roller configured to move into contact with the sterilized rotary belt and apply a sterilizing solution to the sterilized rotary belt. Claim 1 also specifically claims a switching device for the applicator roller, where the switching device is linked to the drive roller and arranged to cause the applicator roller to move into contact with the sterilized rotary belt while the drive roller is in contact with the sterilized rotary belt, during rotations of the drive roller and separate the

applicator roller from the sterilized rotary belt during halts of the drive roller.

In contrast, Masuda discloses always keeping cleaning member 6 in contact with the belt

2. As such, even if the cleaning member 6 can be said to be a “drive roller (which is arranged to contact a sterilized rotary belt when the sterilized rotary belt is rotating)” according to claim 1 of the present invention, Masuda fails to teach an applicator roller configured to move into contact with a sterilized rotary belt, or a switching device for the applicator roller, where the switching device is linked to the cleaning member 6 and arranged to cause the applicator roller to move into contact with a sterilized rotary belt while the cleaning member 6 is in contact with the sterilized rotary belt, during rotations of the cleaning member 6, and separate the applicator roller from the sterilized rotary belt during halts of the cleaning member 6.

As such, Masuda fails to disclose or suggest what is now being specifically claimed in claim 1. In rejecting claim 1, the Examiner cited Varner. Applicant respectfully submits that the Varner reference is non-analogous as it relates to the cleaning of a bowling lane. In In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992) the patent involved an improvement in a metal hose clamp having a preassembly hook that was used to maintain the preassembly condition of the clamp and that was disengaged automatically when the clamp was tightened. The Examiner cited a combination of two references to support the rejection of obviousness. The first reference related to a metal hose clamp without the hook, and the second described a plastic hook and eye fastener used in garments. The Federal Circuit held that the second reference was nonanalogous art and therefore reversed the obviousness rejection. Specifically, the court stated:

It has not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself...Oetiker's invention is simple. Simplicity is not inimical to patentability.

In the present case, the Masuda reference relates to cleaning a handrail belt, while the Varner reference relates to cleaning a bowling lane. Applicant respectfully submits that, consistent with In re Oetiker, in the present case, it cannot be said that a person of ordinary skill, seeking to solve a problem of engaging and disengaging an application roller with a sterilized rotary belt, would reasonably be expected or motivated to look to bowling lane cleaning devices. As such, Applicant respectfully submits that Varner is non-analogous art, and that it is improper to combine Masuda and Varner. As such, Applicant respectfully submits that the rejection be withdrawn.

Nevertheless, even if Varner is analogous, Applicant respectfully submits that a combination of Masuda with Varner does not provide the present invention. Neither reference discloses an applicator roller configured to move into contact with the sterilized rotary belt and apply a sterilizing solution to the sterilized rotary belt. Also, neither reference discloses a switching device for the applicator roller, where the switching device is linked to the drive roller and arranged to cause the applicator roller to move into contact with the sterilized rotary belt while the drive roller is in contact with the sterilized rotary belt, during rotations of the drive

roller, and separate the applicator roller from the sterilized rotary belt during halts of the drive roller.

Applicant respectfully submits that none of the cited references, either alone or in combination, disclose or suggest what is now being claimed in claim 1 of the present application. Therefore, Applicant respectfully submits that the claim rejections should be withdrawn, and that claim 1 and those claims which depend therefrom are allowable.

Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

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